

## **REMARKS**

By this Amendment, claims 1-2 and 6-17 are amended. Claims 3-5 remain in the application. Thus, claims 1-17 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

In item 5 on page 2 of the Office Action, claims 1-6 and 9-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kawade et al. (U.S. 6,181,805, hereinafter Kawade). Without intending to acquiesce to this rejection, independent claims 1, 6-9 and 12 have each been amended in order to more clearly illustrate the marked differences between the present invention and the applied references.

Accordingly, the Applicants respectfully submit that the present invention, as recited in claims 1, 6-9 and 12, is patentable over the applied references for the following reasons.

The present invention provides an image processing method and apparatus which detect a position or rotation amount of a human body part area in an input image that includes a human body image. Furthermore, the method and apparatus of the present invention determine a point of origin of a local coordinate system of an ornament image having a move locus according to the detected position of the human body part area in the input image. In addition, the method and apparatus of the present invention define a rotation amount of a local coordinate system of an ornament image having a move locus according to the detected rotation amount of the human body part area.

Furthermore, the method and apparatus of the present invention detect a size of a human body part area in an input image including a human body image, and determine a scale of a local coordinate system of an ornament image having a move locus according to the detected size of the human body part area.

Moreover, the method and apparatus of the present invention determine arrangement information of the ornament image according to the determined point of original and the move locus, according to the defined rotation amount of the local coordinate system of the ornament image and the move locus, or according to the scale of the local coordinate system of the ornament image and the move locus.

These features of the present invention are recited in claims 1, 6-9 and 12.

Kawabe discloses an image creating apparatus for creating a plurality of kinds of images differing in brushwork and expression based on a single image of face components of eyes, noses and mouths.

However, Kawabe does not disclose or suggest a method or apparatus for detecting a position of a human body part area in an input image including a human body image, as recited in claim 1. Instead, Kawabe merely discloses measuring character quantities of an input image, such as eyes, noses, mouths, eyebrows, ears and hair of an input image.

Furthermore, Kawabe does not disclose or suggest an ornament image having a move locus, as recited in claims 1, 6-9 and 12. Instead, Kawabe merely discloses a still (static) image having no move locus.

In addition, Kawabe does not disclose or suggest determining arrangement information of the ornament image according to the point of origin of the local coordinate system of the ornament image and the move locus, as recited in claim 1.

Similarly, Kawabe fails to disclose or suggest determining arrangement information of the ornament image according to the determined scale of the local coordinate system of the ornament image and the move locus, as recited in claim 6.

In addition, Kawabe clearly does not disclose or suggest determining arrangement information of the ornament image according to the defined rotation amount of the local coordinate system of the ornament image and the move locus, as recited in claims 7 and 8.

Similarly, Kawabe does not disclose or suggest determining arrangement information of the ornament image according to the defined opacity of the ornament image and the move locus, as recited in claim 9.

Moreover, Kawabe does not disclose or suggest generating and outputting an output image by composing the ornament image and the input image based on the determined arrangement information, as recited in claims 1 and 6-9. Instead, Kawabe merely discloses an image creating apparatus that creates a human face image by composing plural parts of a face image such as eyes and noses according to the character quantities. Therefore, the image created by the apparatus of Kawabe does not include an ornament image arranged for a human body part area.

Furthermore, the apparatus of Kawabe clearly does not disclose or suggest an ornament arrangement unit operable to define ornament arrangement information, in harmony with a change of the human body part area that is detected by a detecting unit, which uses at least one stored template of a human body part area to detect the human body part area out of stored input image, which includes a human body image, as recited in claim 12.

Accordingly, Kawabe clearly fails to disclose or suggest each and every limitation of claims 1, 6-9 and 12.

Therefore, claims 1, 6-9 and 12 are clearly not anticipated by Kawabe since Kawabe fails to disclose each and every limitation of these claims.

Furthermore, in view of the clear distinctions discussed above, one skilled in the art would not have been motivated to modify Kawabe in such a manner as to result in, or otherwise render obvious, the inventions of claims 1, 6-9 and 12.

Therefore, claims 1, 6-9 and 12 are clearly patentable over Kawabe for at least the foregoing reasons.

In item 7 on page 3 of the Office Action, claims 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawade in view of Koike et al. (U.S. 6,181,805, hereinafter Koike).

As demonstrated above, Kawade clearly fails to disclose or suggest each and every limitation of claims 1, 6-9 and 12.

However, similar to Kawade, Koike also fails to disclose or suggest the aforementioned limitations which Kawade fails to disclose or suggest. Consequently, Koike does not cure the deficiencies of Kawade for failing to disclose each and every limitation of claims 1, 6-9 and 12.

Accordingly, no obvious combination of Kawade and Koike would result in the inventions of claims 1, 6-9 and 12 since Kawade and Koike, either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 1, 6-9 and 12.

Therefore, the Applicants respectfully submit that claims 1, 6-9 and 12, as well as claims 2-5, 8-11 and 12-17 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

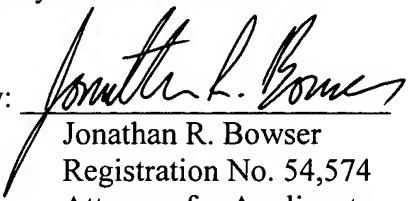
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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